

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INVISTA S.A R.L. and INVISTA (CANADA)	:	
COMPANY	:	
	:	C.A. No. 07-119 (GMS)
Plaintiffs,	:	
	:	
v.	:	
	:	
FIBER RESOURCES INTERNATIONAL, INC.,	:	
	:	
Defendant.	:	

**MOTION TO WITHDRAW AS COUNSEL**

COMES NOW, Losco & Marconi, P.A. ("L&M") and moves the Court for permission to withdraw as Counsel for Defendant, Fiber Resources International, Inc., and, in support thereof, states as follows:

1. This is a breach of contract action which was filed on February 27, 2007.
2. On or about April 11, 2007, Defendant engaged L&M as counsel to represent it pursuant to a written engagement agreement which addressed, among other things Defendant's financial obligation associated with the engagement.
3. Defendant has breached the engagement agreement with L & M in that it has failed to satisfy its financial obligations as agreed.
4. L & M has consistently warned Defendant that failure to abide by its financial obligations would result in L & M seeking permission to withdraw. Defendant has continued to represent to L & M that it had already, or would soon satisfy its obligations, but to date, Defendant has failed to do so.
5. In addition, on December 4, 2007, L & M received an e-mail from its contact at Defendant indicating that Defendant no longer desired to have L & M represent it in this action, and that it

would be “changing counsel”.

6. Therefore, L&M no longer desires to, and no longer believes that it can properly represent Defendant in light of Defendant’s desire to engage other counsel.

WHEREFORE, Losco & Marconi, P.A. prays that the Court grant it permission to withdraw as counsel to Defendant, Fiber Resources International, Inc.

**LOSCO & MARCONI, P.A.**

/s/ Thomas C. Marconi

Thomas C. Marconi, Esquire (#2761)

1813 N. Franklin Street

P.O. Box 1677

Wilmington, DE 19899

(302) 656-2284

Attorneys for Defendant, Fiber Resources International, Inc.

Date: December 5, 2007

G:\Tom\Fiber Resources #6096\Pleadings Dist. Ct. 07-119\Motion to Withdraw as Counsel 12.5.07.wpd

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FOR THE DISTRICT OF DELAWARE**

INVISTA S.A R.L. and INVISTA (CANADA) COMPANY	:	
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	:	C.A. No. 07-119 (GMS)
Plaintiffs,	:	
	:	
v.	:	
	:	
FIBER RESOURCES INTERNATIONAL, INC.,	:	
	:	
Defendant.	:	

**NOTICE OF SERVICE**

I, Thomas C. Marconi, Esquire, hereby certify that on this 5th day of December, 2007, caused two true and correct copies of the attached *Motion to Withdraw as Counsel, Statement Pursuant to Local Rule 7.1.1*, and this *Notice of Service* to be served by hand delivery upon the following:

Kelly E. Farnan, Esquire  
Richards, Layton & Finger  
One Rodney Square  
920 North King Street  
P.O. Box 551  
Wilmington, DE 19899

and by Certified mail, return receipt requested and e-mail upon the following:

Art Hamilton  
Fiber Resources International, Inc.  
1100 Spring Street, Suite 830  
Atlanta, GA 30309

**LOSCO & MARCONI, P.A.**

/s/ Thomas C. Marconi  
Thomas C. Marconi #2761  
1813 North Franklin Street  
P.O. Box 1677  
Wilmington, Delaware 19899  
(302) 656-7776  
Attorneys for Defendant

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INVISTA S.A R.L. and INVISTA (CANADA)	:	
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Plaintiffs,	:	
	:	
v.	:	
	:	
FIBER RESOURCES INTERNATIONAL, INC.,	:	
	:	
Defendant.	:	

**STATEMENT PURSUANT TO LOCAL RULE 7.1.1**

I, Thomas C. Marconi, Esquire, counsel to Plaintiff state pursuant to Local Rule 7.1.1 that on December 5, 2007, I discussed with Plaintiff's counsel, Kelly E. Farnan, Esquire the attached Motion to Withdraw as Counsel to Defendant.

Ms. Farnan indicated that her client objects to the Motion.

Respectfully submitted,

/s/ Thomas C. Marconi  
Thomas C. Marconi, Esquire (#2761)  
1813 N. Franklin Street  
P.O. Box 1677  
Wilmington, DE 19899  
(302) 656-2284  
Attorneys for Defendant,  
Fiber Resources International, Inc.

Date: December 5, 2007

G:\Tom\Fiber Resources #6096\Pleadings Dist. Ct. 07-119\Statement Pursuant to Rule 7.1.1.wpd

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Plaintiffs,	:	
	:	
v.	:	
	:	
FIBER RESOURCES INTERNATIONAL, INC.,	:	
	:	
Defendant.	:	

**ORDER**

UPON CONSIDERATION of Losco & Marconi, P.A.'s Motion to Withdraw as Counsel to Defendant, Fiber Resources International, Inc., and Plaintiffs' response thereto the Motion is hereby GRANTED.

Defendant shall have \_\_\_\_\_ (\_\_\_\_) days to cause substitute counsel enter his or her appearance in this action.

A copy of this Order shall be mailed by Losco & Marconi, P.A. to Defendant by certified mail, return receipt requested.

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
United States District Judge